IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 21601 of 2004

Between:

Penumatsa Suryanarayana Raju S/o.Venkata Narasimha Raju
Rajulapeta Veillage, H/oKorraparru,
Aakividu Mandal, West Godavari Dist

..... PETITIONER

AND

1 The Dist Collector
Eluru, West Godavari Dist.

2 The Sub-Collector Cum Revenue Divisional Officer
Narasapuram, West Godavari Dist.

3 The Mandal Revenue Officer
Aakividu Mandal, West Godavari Dist.

4 Gandikota Venkatappa S/o.Peddanarayudu
R/o.Rajulapeta, Korraparru,
West Godavari Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of 'WRIT OF MANDAMUS' and declare the action of the respondents in not taking appropriate action against the 4th respondent for illegally

converting the agricultural lands into fish/prawn culture tank is illegal, arbitrary and violation of Article 21 of the Constitution of India and consequently direct the respondents to take appropriate action against the 4th respondent for illegally converting the agricultural land into fish/prawn culture tank.

Counsel for the Petitioner: MR.K.L.N.SWAMY

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

THE HON'BLE MR JUSTICE K.C.BHANU

WRIT PETITION NO: 21601 of 2004

ORDER:

The petitioner has filed this writ petition to declare the action of the respondents in not taking appropriate action against the 4th respondent for converting the agricultural lands into fish/prawn culture tank as illegal and arbitrary.

2. The petitioner contended that he made several representations to the Revenue officials since the 4th respondent is converting the agricultural lands into fish/prawn culture tanks. The 3rd respondent is the competent authority to take appropriate decision and pass appropriate orders against any violations, after giving a reasonable opportunity to the persons affected.

3. So, without entering into the merits of the case, a direction has to be given to the 3rd respondent-Mandal Revenue Officer to initiate appropriate proceedings against the 4th respondent in accordance with law and since the 3rd respondent is the only competent authority, he has to take an appropriate decision after giving a reasonable opportunity to the 4th respondent as well as the petitioner, who is the affected party.

4. Hence, a direction can be given to the Mandal Revenue Officer-3rd respondent to take appropriate decision after affording a reasonable opportunity to both the petitioner and the 4th respondent within a period of four weeks from the date of receipt of a copy of this order. The 4th respondent has not summoned before this Court. But, however, I am of the considered opinion that the decision of the 3rd respondent will not have any affect to his rights.

5. Accordingly, the writ petition is disposed of at the stage of admission with the above observation. In the circumstances of the case, there shall be no order as to costs.

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November 25, 2004

Note:

Issue C.C. in two days.

B/o.

Kvr

To

1 The Dist Collector
Eluru, West Godavari Dist.
2 The Sub-Collector Cum Revenue Divisional Officer
Narasapuram, West Godavari Dist.
3 The Mandal Revenue Officer
Aakividu Mandal, West Godavari Dist.
4 Two C.Cs. to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D. Copies.